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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,712	12/20/1999	UMESH J. AMIN	1999-0585(AW	2719

7590 08/13/2004

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EXAMINER

TRAN, CONGVAN

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 08/13/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/467,712

Applicant(s)

AMIN ET AL.

Examiner

CongVan Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,9-14,16,17,19,21,23-26,28-31,34,36-38,43,48,50-53,55-57 and 59-62 is/are rejected.
- 7) ☒ Claim(s) 4,6-8,15,18,20,22,27,32,33,35,39-42,44-47,49,54 and 58 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Response to Arguments***

1. In view of the appeal brief filed on May 19, 2004, PROSECUTION IS HEREBY REOPENED. A new ground of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 17, 19, 23, 26, 28, 30, 38, 43, 50, 52-53, 55, 57, 59, 60 are rejected under 35 U.S.C. 102(b) as being anticipated by Aldermeshian et al. (5,745,850).

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Regarding claims 1, 26, 28, 55, 57, 59, 60, Aldermeshian discloses an apparatus and method for mobile telephone, comprising the steps of determining the proximity of a first telephone to a second telephone (see abstract, fig.1, elements 100, 102, 110, 112, 131-132, col.4, lines 42-47 and its description); initiating the transfer of call from the first telephone to the second telephone in response to the proximity (see col.4, line 48-col.5, line 7); receiving calls on the second telephones (see fig.1, elements 131 or 132, col.4, line 48-col.5, line 7 and its description).

Regarding claim 17, Aldermeshian further discloses nullifying the received call. However, It is inherent for the system to nullify the received call before transferring the message to another predetermined unit (see abstract, fig.1, col.4, lines 59-67).

Regarding claim 19, Aldermeshian further discloses the authorizing the call transfer prior to receive (see abstract, fig.1, col.4, lines 59-67 and its description).

Regarding claims 23, Aldermeshian further discloses wherein the first telephone includes a presentation mechanism, and in which authorization includes presenting the results of the call transfer authorization process to the user of first telephone (see abstract, fig.1, elements 100, 102, 110, 112, 131-132, col.4, lines 42-47, col.4, lines 59-67 and its description).

Regarding claims 30, 38, 43, 50, 52-53, Aldermeshian discloses a telecommunications system comprising a first telephone connected to the communications network (see abstract, fig.1, elements 100, 120 and its

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description); a second telephone connected to the communications network (see abstract, fig.1, elements 131 or 132, 140, and its description); a call transfer mechanism for transferring telephone calls from the first telephone to the second telephone in response to proximity of the first telephone to the second telephone (see abstract, fig.1, col.4, line 48-col.5, line 7 and its description).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3, 34, 36, 61, 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldermeshian et al. (5,745,850) in view of Hayashin et al. (6,144,318).

Regarding claims 2, 34, 61, 62, Aldermeshian discloses all the subject matters described in rejected claims 1 and 30, except for the first telephone includes a wireless location receiver. However, Hayashin discloses a navigation system that uses position of mobile unit to make call management decisions comprising a telephone includes a wireless location receiver, and in determining the proximity of the first to the second telephone using wireless location receiver data (see fig.1, element 2, col.4, lines 44-48). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use

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Hayashin's wireless location receiver in Aldermeshian's the system to allow the device to figure out precisely where it is on earth.

Regarding claims 3, 36, Hayashin further discloses the wireless location receiver is selected from the group consisting of GPS and short-range position beacon receiver (see fig.1, elements 21, 22 and col.4, lines 44-48).

Regarding claims 5, 9, 16, 37, Aldermeshian further discloses determining includes the first telephone collecting positional data to determined its proximity to the second telephone (see fig. 1, elements 102, 112, 131 or 132, col.4, lines 42-47 and col.13, lines 7-50).

Regarding claim 10, Aldermeshian further discloses the determining includes the short range transceivers being selected from group consisting of Bluetooth, infra-red, Home RF, wireless LAN, and radio transceivers (see col.4, lines 34 47).

6. Claims 11-13, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldermeshian et al. (5,745,850) in view of Shaughnessy et al. (5,928,325).

Regarding claims 11, 31, Aldermeshian discloses all the subject matters described in rejected claim 1 and 30, except for the communication network includes a position node, mobile switching center, and a base station. However, Shaughnessy discloses a method of dynamically establishing communication of incoming messages to one or more user devices presently available to an intended recipient including a position node, mobile switching center, and a base station, in which determining includes the PN tracking the proximity of the mobile,

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and initiating includes the MSC paging telephone (see abstract, fig.1, elements 31, 33, col.2, lines 22-46). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Shaughnessy's proximity detector in Aldermeshian's invention to detect the close mobile stations in order to forward the incoming call to predetermined unit for improving in telecommunication system.

Regarding claims 12-13, Shaughnessy further discloses the MSC automatically initiating the call transfer (see fig.1, col.1, lines 62-67).

7. Claims 14, 21, 48, 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldermeshian et al. (5,745,850) in view of Cox (6,580,904).

Regarding claims 14, 21, 48, and 51, Aldermeshian discloses all the subject matters described in rejected claims 1, 19, 30 and 43, except for using a star feature code, private code. However, star code and private code is well known, also disclose in Cox (see col.12, lines 19-23) and has been use widely in telecommunication devices. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use these features to response to predetermined number to initiate command mode.

8. Claims 24-25, 29, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldermeshian et al. (5,745,850) in view of Lygas (6,236,868).

Regarding claims 24-25, 29, Aldermeshian discloses all the subject matters described in rejected claim 1, except the second telephone is an automobile mounted wireless telephone. However, Lygas discloses an apparatus for sensing the presence of a mobile telephone in its holder including the second

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telephone is an automobile mounted wireless telephone, in which determining that the proximity of the portable telephone to the auto-mounted telephone meets a predetermined threshold (see fig.1, fig.2. col.4, lines 20-51). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Lygas' automobile mounted wireless telephone in Aldermeshian's invention to detect the proximity of the portable telephone in order to improve in telecommunications system.

Regarding claim 56, Aldermeshian discloses all the subject matters described in rejected claim 30, except for second telephone mounted on mobile plat form. However, Lygas discloses an apparatus for sensing the presence of a mobile telephone including the platform in which said second telephone mounted on mobile plat form (see fig.1-2 and its description). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Lygas' telephone mounted on mobile plat form in Aldermeshian's invention in order to improve in mobile communications system.

***Allowable Subject Matter***

9. Claims 4, 6-8, 15, 18, 20, 22, 27, 32-33, 35, 39-42, 44-47, 49, 54, 58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 703-305-4024. The examiner can normally be reached on Monday-Thursday.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CongVan Tran  
Examiner  
Art Unit 2683

CT  
Aug. 06, 2004



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